

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

In re:

**WAYNE GARLAND SCOTT, JR.
and ERICA NICOLE SCOTT,**

Case No. 13-14332-BFK

Debtors.

Chapter No. 13

BRANCH BANKING AND TRUST COMPANY OF VIRGINIA,

Plaintiff,

v.

**WAYNE GARLAND SCOTT, JR.,
ERICA NICOLE SCOTT
and THOMAS P. GORMAN, Trustee,**

Defendants.

**MOTION FOR RELIEF FROM STAY
AND NOTICE OF MOTION AND HEARING THEREOF**

The Motion of Branch Banking & Trust Company of Virginia ("Plaintiff") respectfully represents:

1. On September 24, 2013, an Order for Relief was entered in this case upon the filing of a Petition in this Court by the Debtors.
2. Thomas P. Gorman was appointed Trustee of the property of Debtors and is qualified now and acting as Trustee. The filing of said petition acts as a stay against collection proceedings by Plaintiff against Defendants pursuant to 11 U.S.C. § 362.
3. At the time of the filing of the Petition in Bankruptcy herein, the Debtors owned the following 2007 Recreational Vehicle, Vehicle Identification No.: 4YDT2992773103406 ("RV").

**Deborah S. Kirkpatrick, Esq.
VSB #32987
P.O. Box 10275
Va. Beach, VA 23450-0275
Ph: (757) 233-0281; Fax: (757) 233-0277
Counsel for Branch Banking and Trust Company**

4. Plaintiff is the holder of a Note dated June 21, 2007 in the original principal amount of \$23,664.47 ("Note").
5. The Note is secured by a lien on the RV pursuant to a Certificate of Title.
6. A copy of the Proof of Claim filed by Plaintiff is attached hereto along with a copy of the Note and Title evidencing the lien.
7. The Note had a payoff of \$14,922.23 as of December 5, 2013.
8. Pursuant to the terms of the Debtors' Chapter 13 Plan, the Debtors are to make post-petition payments coming due under the Note directly to Plaintiff.
9. The Debtors are in default for failure to make direct payment.
10. The Note is currently delinquent in payment to Plaintiff in the total amount of \$548.01, which figure is exclusive of attorney's fees and costs. This figure represents payments due for the October 21, 2013 and November 21, 2013 post-petition payments.
11. The Debtors are unable to afford adequate protection due Plaintiff, and neither they nor their estate have grounds to resist the entry of an Order terminating the stay aforesaid.
12. Cause exists to terminate the stay aforesaid.
13. Plaintiff is being injured by its inability to proceed against the Vehicle securing the indebtedness due to the automatic stay provided for in 11 U.S.C. § 362.

WHEREFORE, Plaintiff moves that the automatic stay provided for by the provisions of Title 11 of the United States Code be modified in conformance therewith, that the provisions of Bankruptcy Rule 4001(a)(3) be waived, and that it be granted such other and further relief as this Court shall deem proper.

NOTICE

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the relief sought in the motion, or if you want the court to consider your views on the motion, then on or before fourteen (14) days after service of this Motion, you or your attorney must file a written response explaining your position with the Court at the following address: 200 S. Washington Street, Alexandria, Virginia 22314, and serve a copy on the movant. Unless a written response is filed and served within this fourteen (14) day period, the Court may deem opposition waived, treat the motion as conceded, and issue an order granting the requested relief.

If you mail your response to the Court for filing, you must mail it early enough so the Court will receive it on or before the expiration of the fourteen (14) day period.

Attend the preliminary hearing scheduled to be held on: January 15, 2014, at 9:30 a.m. in Courtroom #III, United States Bankruptcy Court, 200 S. Washington Street, Alexandria, Virginia 22314.

DATED this 5th day of December, 2013.

**BRANCH BANKING AND TRUST COMPANY
OF VIRGINIA**

By: /s/ Deborah S. Kirkpatrick
Of Counsel

Deborah S. Kirkpatrick, Esq.
Virginia State Bar No. 32987
Post Office Box 10275
Virginia Beach, VA 23450-0275
Ph: (757) 233-0281
Fax: (757) 233-0277
Email: dskirkpatrick@cox.net

PROOF OF SERVICE

I hereby certify that the 5th day of December, 2013, a true and correct copy of the foregoing Motion for Relief From Stay was transmitted electronically through the Court's CM/ECF system to the Debtors' Attorney, Ann M. Callaway, Esq. and to the Trustee, Thomas P. Gorman and mailed via first class mail to Wayne G. Scott, Jr. and Erica N. Scott, 15422 Overlook Ct., Culpeper, VA 22701.

/s/ Deborah S. Kirkpatrick